

was a short conversation. I was told that there would be no discussions at all on nuclear waste until after Mr. Peña was confirmed. Let me repeat that—no discussions at all on nuclear waste until after confirmation.

This is the message from an administration which has had its head in the sand on this issue for 4 years. They have refused to discuss or take any kind of responsible position on this issue, yet they want me and the rest of the Senate to move forward on the nominee which will have responsibility over nuclear waste policy.

A nominee, who when Secretary, would have absolutely no authority to even discuss areas of compromise.

It's no wonder Secretary O'Leary waited until she was free from the administration to articulate her support for centralized interim storage. A CQ Monitor story last week reported "O'Leary blamed \* \* \* opposition [to interim storage] on White House officials connected with Vice President AL GORE. She said they see the issue more in political than technical terms." "You'll get more clarity from someone like me outside the system," O'Leary said. Unfortunately, we cannot wait until the next Secretary leaves office before we hear his views on this subject.

Safe nuclear waste storage should not be a political issue. It is a scientific issue and an environmental issue—and we need a solution now. Sadly, the administration has turned a blind eye and a deaf ear.

In addition to threats to the environment and safety, 20 percent of our electric generating capacity is at risk—20 percent. Starting in January 1998, there is a substantial likelihood that American taxpayers will either be paying for or be deprived of billions of dollars a year as a result of this administration's inaction. That's right, Mr. President, estimates of the Federal Government's liability under a recent lawsuit brought by the States run between \$40-\$80 billion.

Inaction is not an option. Inaction is irresponsible.

Mr. President, I have not asked the administration to change its position prior to Mr. Peña's confirmation. I would like that, but I'm trying to be reasonable. I have identified areas where S. 104 can be modified to alleviate concerns. I am working with Democratic colleagues on the committee to address some of their concerns. I would like to have the same opportunity for dialog with the administration.

Contrary to some White House leaks, that dialog has not been linked to any specific Alaska issue and it has not been about Mr. Peña's qualifications. It has been largely about the administration's lack of a plan to accept the waste by 1998. Americans have paid \$12 billion into the fund.

I look forward to working with a Secretary of Energy who can work with me and other Members of Congress on the nuclear waste problem. It is very

hard to explore compromise if one side won't talk.

It is also hard if one of the sides ducks the issue for years, and won't take a position until it is forced to.

The Vice President says no talk and no interim storage. Period. He says "Leave it where it is"—in 41 States. Other elements of the administration seem to want to be more cooperative.

It took a meeting with Mr. Bowles, a lot of other conversations, and a couple delays in the confirmation vote to get them to focus on this important safety and environmental issue. The national news attention has also raised visibility.

Now, they seem willing to face the issue. And they are beginning to sort out their real position. The current policy squabble inside the administration suggests it is finally facing up to this pressing issue.

I received a letter from Mr. Bowles. It signals that the administration is willing to engage in constructive dialog; it comes close to finally articulating a policy; and it contradicts the Vice President's non-policy policy of leaving the waste where it is until the final repository is built.

I am pleased to receive the letter. After 2 years, I think we finally may have a real dialog. The letter says Mr. Peña will have the portfolio to talk and work with Congress.

I ask unanimous consent that Mr. Bowles' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHIEF OF STAFF TO THE PRESIDENT,  
*The White House, February 27, 1997.*  
Hon. FRANK MURKOWSKI,  
*Chairman, Senate Committee on Energy and Natural Resources, US Senate.*

DEAR SENATOR MURKOWSKI: The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's longstanding commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability determination of a permanent geological repository at Yucca Mountain has been determined.

Following confirmation, Secretary Pena has the portfolio in the Administration to work cooperatively with the Committee and others in Congress on nuclear waste disposal issues within the confines of the President's policy as stated above. Secretary Pena will also be meeting with representatives of the nuclear industry and other stakeholders to discuss DOE's response to a recent court decision on the Department's contractual obligations regarding nuclear waste.

Sincerely,

ERSKINE B. BOWLES.

Mr. MURKOWSKI. Mr. President, based on Mr. Bowles involvement and the good faith commitment by the administration to treat this as a policy and not a political issue, I am announcing the Committee on Energy and Natural Resources will vote on the nomination Thursday at 9:30 a.m.

We look forward to resolving our differences with the administration and moving forward with legislation addressing the nuclear waste crisis by the end of this month.

I look forward to working with Mr. Peña to stop the irresponsible policy of piling high-level radioactive waste at 80 locations in 41 States, near our homes and schools.

Taxpayers are being exposed to billions of dollars in liability and American ratepayers are being cheated out of the \$12 billion they have paid into the nuclear waste fund.

Let's get on with it.

# RECESS

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:48 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

## BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. There will now be 1 hour for debate under the control of the manager on the Democratic side with the first 20 minutes under the control of the Senator from West Virginia [Mr. BYRD].

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, would the Presiding Officer give me what the parliamentary situation is?

The PRESIDING OFFICER. Under the previous unanimous consent agreement, 1 hour of time is reserved at this point under the control of the manager on the Democratic side with 20 minutes allocated to the Senator from West Virginia.

Mr. LEAHY. Mr. President, while we are waiting for the Senator from West Virginia to arrive—and my understanding is there is not someone on the other side now asking to speak—I will, within the time on this side, continue some comments I made earlier this morning.

I talked about the fact that the amendments were, in almost lockstep fashion, knocked down by the proponents of the constitutional amendment. I was concerned about that because even many of the supporters of a constitutional amendment spoke in their testimony before the Judiciary Committee of the basic flaws in this amendment as worded.